



STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

DRAFT MINUTES
STATE ELECTIONS ENFORCEMENT COMMISSION
REGULAR MEETING
5th Floor Conference Room
October 17, 2014
4:00 P.M.

I. Call to Order

Commissioner Castagno was present via teleconference and called the meeting to order at 4:06 P.M. Commissioner Salvatore Bramante was present. Commissioners Stephen Penny and Michael Ajello were also present via teleconference. Agency staff was also present.

Commissioner Castagno added to the executive session of the agenda, Discussion of Draft Advisory Opinion 2014-04, Discussion of proposed request for Declaratory Ruling from Pullman & Comley LLC and Recommendation of Counsel: Necessary to Investigate Determination pursuant to General Statutes §9-7a, as amended by Public Act 11-48 §300.

Commissioner Castagno also added to the agenda, section IIIa. Consideration of Matters discussed in Executive Session.

II. Executive Session per General Statutes §§ 1-200(6)(B) and (E), and 1-210(b)(1),(3),(4),(10) and General Statutes §9-7a, as amended by Public Act 11-48 §300 (Preliminary draft and agency consideration of enforcement action and exempt records relative thereto)

It was moved by Commissioner Penny and seconded by Commissioner Bramante at 4:08 P.M. to enter into executive session. So voted.

Staff member present were Kevin Ahern, Marianne Sadowski, Andrew Cascudo, Linda Waterman, Shannon Kief, Michael Brandi and Sheri-Lyn Lagueux.

It was moved by Commissioner Penny and seconded by Commissioner Bramante at 4:43 P.M. to return to public session. So voted.

Returning to public session the Commission took the following action:

1. Recommendation of Counsel Relative to Audit Validations

No action was taken.

III. Consideration of Application for Public Grants from the Citizens' Election Fund

1. "Luna 3rd District 2014," Victor Luna

It was moved by Commissioner Penny and seconded by Commissioner Bramante to deny the grant application for "Luna 3rd District 2014," Victor Luna. So voted by a vote of 4-0.

2. "Toni Walker 2014," Toni Walker

It was moved by Commissioner Penny and seconded by Commissioner Bramante to deny the grant application for "Toni Walker 2014," Toni Walker. So voted by a vote of 4-0.

III.a. Consideration of Matters discussed in Executive Session

1. Discussion of Draft Advisory Opinion 2014-04

Ms. Kief discussed that in response to the October 7, 2014 request of the DSCC for advice from the Commission SEEC respectfully request that the Commission adopt Advisory Opinion 2014-04 regarding negative communications featuring candidates for different offices, as amended according to discussions in executive session.

It was moved by Commissioner Penny and seconded by Commissioner Bramante to adopt the Draft Advisory Opinion 2014-04 as amended. So voted by a vote of 4-0.

2. Discussion of proposed request for Declaratory Ruling from Pullman & Comley LLC

Ms. Kief discussed the October 2, 2014 Pullman & Comley LLC petition for Declaratory Ruling. With respect to this issue we do not have a list of people who have asked to receive notice. We therefore ask that Commission direct the staff to issue notice to persons who have requested compliance advice from the staff within the last 12 months for questions related to this referendum provision that's the subject of the declaratory ruling and to give notice to the general public via a post on the SEEC website.

It was moved by Commissioner Penny and seconded by Commissioner Bramante to accept the Recommendation of Counsel regarding the request for Declaratory Ruling. So voted by a vote of 4-0

Ms. Kief requested that the Commission adopt a resolution and order setting forth specified proceedings pursuant to § 4-176 (e) and Connecticut Agency Regulations § 9-7b-65 (c) as follows: it is hereby resolved and ordered that the

following proceedings are set regarding the petition for a declaratory ruling from Pullman & Comley LLC, which was received by the Commission on October 2, 2014:

- (1) The Commission staff shall draft a proposed Declaratory Ruling for consideration by the Commission at its regular meeting scheduled for December 16, 2014.
- (2) If the Commission votes to approve the proposed Declaratory Ruling at this December 16, 2014 meeting, the Commission shall direct staff to post notice of the proposed Declaratory Ruling on the SEEC website and to send notice to all persons who were sent notice of the receipt of the petition, with a comment period to close at 11:59 p.m. two weeks prior to the regular Commission meeting in February 2015. If the Commission does not vote to approve the proposed draft at this time, the Commission shall set an alternative schedule and any further proceedings as necessary.

It was moved by Commissioner Penny and seconded by Commissioner Bramante to Commission adopt a resolution and order setting forth specified proceedings regarding the request for Declaratory Ruling. So voted by a vote of 4-0

3. Recommendation of Counsel: Necessary to Investigate Determination pursuant to General Statutes §9-7a, as amended by Public Act 11-48 §300

Mr. Ahern advised of a complaint by Jerry Labriola, Jr., the Chairman of the Connecticut Republican Party. The allegations concern an electioneering communication in support of Governor Malloy's candidacy for re-election. The allegation is that the mailer was paid for by funds from an impermissible source. The recommendation of counsel is to docket the matter and investigate.

It was moved by Commissioner Penny and Seconded by Commissioner Bramante to make a determination that it is necessary to investigate violations relating to one complaint. So voted by a vote 4-0.

IV. Adjournment

It was moved by Commissioner Penny and seconded by Commissioner Bramante at 4:55 P.M. to adjourn the meeting. So voted. Unless otherwise indicated, all votes of the Commission were unanimous.

The next regular scheduled meeting is November 18, 2014 at 9:00 A.M. in the 5th Floor Conference room.